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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/908,696	07/20/2001	Nobuyoshi Kakigi	35.C15584	8990

5514 7590 09/30/2005

FITZPATRICK CELLA HARPER & SCINTO
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NEW YORK, NY 10112

EXAMINER

RAHIMI, IRAJ A

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 09/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/908,696

Applicant(s)

KAKIGI ET AL.

Examiner

(Iraj) Alan Rahimi

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2622

DETAILED ACTION

Response to Amendment

1. In papers filed on June 10, 2005 applicant canceled claims 1-20 and introduced new claims 21-40.

Response to Arguments

2. Applicant's arguments with respect to claims 21-40 have been considered but are moot in view of the new ground(s) of rejection.

DETAILED ACTION

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 21-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Sugaya (US patent 6,714,313).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C.

102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the

Art Unit: 2622

inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Regarding claim 21, Sugaya discloses 21 an image recording apparatus, comprising:
an attachment unit, adapted to attach a detachable memory to said image recording apparatus, the memory storing image data and attribute data corresponding to the image data (column 11, lines 7-14; Print data and attribute data in the external memory as disclosed may be recorded on the external memory 317 which may include user name assigned to a given bin as an attribute);

a designation unit, adapted to designate an attribute (Fig. 9, attribute information by way of example is considered to be the user name assigned to a bin);

a recording unit, adapted to record the image data read from the memory attached by said attachment unit on a recording paper (column 11, lines 7-14); and a

determination unit, adapted to determine a paper output port for the recording paper on which the image data read from the attached memory is recorded by said recording unit, based on the attribute designated by said designation unit and the attribute data corresponding to the image data read from the attached memory (Fig. 10).

Regarding claim 22, Sugaya discloses an apparatus according to claim 21, wherein said determination unit makes a determination such that a plurality of recording papers on which a plurality of the image data with the same attribute data are recorded are outputted to the same

Art Unit: 2622

output port. It is inherent in Sugaya that a print job for a user could be very well more than one page for delivery to the same bin.

Regarding claims 23-25, examiner considers the selected attributes as design choices and not particularly a patentable feature.

Regarding claim 25, Sugaya discloses an apparatus according to claim 21, wherein the attribute includes a destination user (Fig. 13).

Regarding claim 26, Sugaya discloses an image recording apparatus, comprising:
a designation unit; adapted to designate an attribute (Fig. 9);
a read unit, adapted to read image data and attribute data corresponding to the image data from a memory (Fig. 3; column 11, lines 7-14. It is inherent in Sugaya that for a printer to access the data on the external memory, it needs to read the data via a reading unit);
and

a determination unit, adapted to determine a paper output port for a recording paper on which the image data read from the memory by said read unit is recorded, based on the attribute designated by said designation unit and the attribute data corresponding to the image data read from the memory (Fig. 10).

Regarding claims 27, 32 and 37 arguments analogous to those presented for claim 22, are presented.

Art Unit: 2622

Regarding claims 28, 33 and 38 arguments analogous to those presented for claim 23, are presented.

Regarding claims 29, 34 and 39 arguments analogous to those presented for claim 24, are presented.

Regarding claims 30, 35 and 40 arguments analogous to those presented for claim 25, are presented.

Regarding claim 31 arguments analogous to those presented for claim 26, are presented.

Regarding claim 36 arguments analogous to those presented for claim 21, are presented.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

Art Unit: 2622


the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Contact Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to (Iraj) Alan Rahimi whose telephone number is 571-272-7411. The examiner can normally be reached on Mon.-Fri. 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.


Alan Rahimi
September 20, 2005


TWYLER LAMB
PRIMARY EXAMINER